

PURCHASE OF SERVICES (POS) STANDARDS

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DEPARTMENT OF DEVELOPMENTAL SERVICES

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TABLE OF CONTENTS

Article 1. Definitions	1
<i>Section 58700. Meaning of Words</i>	<i>1</i>
<i>Section 58701. Definitions.....</i>	<i>2</i>
<i>Section 58702. Terms defined in Other Subchapters</i>	<i>4</i>
Article 2. General Standards for Purchase of services Costs	6
<i>Section 58710. General Standards</i>	<i>6</i>
<i>Section 58711. Prohibitions.....</i>	<i>9</i>
Article 3. Additional Requirements for Specific Services	11
<i>Section 58720 Residential Services.....</i>	<i>11</i>
<i>Section 58721 Adult Day Program Services.....</i>	<i>12</i>
<i>Section 58722 Habilitation Services.....</i>	<i>13</i>
<i>Section 58723 Transportation</i>	<i>14</i>
<i>Section 58725 Day Care Services.....</i>	<i>16</i>
<i>Section 58726 Early Intervention Services</i>	<i>17</i>
<i>Section 58727 Assistive Technology and Environmental Adaptations.....</i>	<i>18</i>
<i>Section 58728 Behavioral Services.....</i>	<i>21</i>
<i>Section 58729 Social/Recreation Activities.....</i>	<i>23</i>
<i>Section 58730 Supported Living Services</i>	<i>24</i>
<i>Section 58731 Specialized Medical and Dental Services.....</i>	<i>26</i>
<i>Section 58732 Therapies.....</i>	<i>27</i>
<i>Section 58733 Supplemental Services.....</i>	<i>28</i>

Title 17 California Code of Regulations

Division 2. Health and Welfare Agency—Department of Developmental Services

Chapter 3. Community Services

Subchapter 20. Regional Center Purchase of Services Standards

Article 1. Definitions

Section 58700. Meaning of Words

Words shall have their usual meaning unless the context or a definition clearly indicates a different meaning. Words used in their present tense include the future tense. Words used in the singular form include the plural form. Use of the word “shall” denotes mandatory conduct and “may” denotes permissive conduct.

Section 58701. Definitions

The following definitions shall apply to the regulations contained in this Subchapter:

- a) "Camp" means a residential, day or traveling camp which provides a creative experience in outdoor living for a specified period of time;
- b) "Care giver" means an adult, other than a parent, who has primary responsibility for the care and supervision of a consumer;
- c) "Clinician" means any regional center employee or contractor licensed under Division 2 (commencing with Section 500) of Business and Professions Code or under any initiative act referred to in Division 2 (commencing with Section 500) of Business and Professions Code;
- d) "Day care" means the regular care and supervision, for periods of less than 24 hours per day, provided to persons with developmental disabilities who reside in the family home, while the parent or parents are engaged in employment and/or educational activities leading to employment;
- e) "Durable medical equipment" means equipment intended for repeated use, which is primarily and customarily used to serve a medical purpose and is not useful to a person in the absence of an illness, injury or disability;
- f) "Genetic services" means services including, but not limited to, medical testing and counseling to detect risk factors that may lead to a diagnosis of a developmental disability;
- g) "Medically necessary" means care that is required for appropriate and necessary treatment of illness, injury or disability, according to accepted standards of medical practice;
- h) "Parent" means a parent, guardian or a person acting as a parent such as a conservator, grandparent or stepparent with whom a consumer lives. Parent also means a person who is legally responsible for the consumer's welfare or a surrogate parent who has been appointed in accordance with 34 CFR 303.406. The term does not include the State if a minor child is a ward of the State;
- i) "Prenatal diagnostic services" means services used prior to the birth of an infant to detect a condition that may lead to a developmental disability. Such services may include: Amniocentesis, sonogram, karotyping, biochemical determination, and other accepted diagnostic tools;
- j) "Publicly-funded education" means an education program provided pursuant to Education Code section 56340 et seq.;

- k) “Qualified professional” means a person licensed or certified under applicable laws and regulations of the State of California to perform legal, medical, health or social services for the general public; and
- l) “Self Determination” is a program for adults with developmental disabilities or families of children with developmental disabilities that allows the participants the opportunity to plan, obtain and sustain community-based services, placing control into the hands of the people using the services.

Section 58702. Terms defined in Other Subchapters

- a) As used in this Subchapter, the following words and phrases have the meanings specified in Title 17, section 50401:
 - 1) Regional Center.
- b) As used in this Subchapter, the following words and phrases have the meanings specified in Title 17, section 50501:
 - 1) Services.
- c) As used in this Subchapter, the following words and phrases have the meanings specified in Title 17, section 50602:
 - 1) Vendored.
- d) As used in this Subchapter, the following words and phrases have the meanings specified in Title 17, section 52000:
 - 1) Assessment;
 - 2) Individualized Family Service Plan (IFSP); and,
 - 3) Natural Environment.
- e) As used in this Subchapter, the following words and phrases have the meanings specified in Title 17, section 54000:
 - 1) Developmental Disability.
- f) As used in this Subchapter, the following words and phrases have the meanings specified in Title 17, section 54302:
 - 1) Adult Day Program;
 - 2) Mobility Training;
 - 3) Natural Supports;
 - 4) Purchase of Service Funds;
 - 5) Vendor; and,
 - 6) Voucher.

g) As used in this Subchapter, the following words and phrases have the meanings specified in Title 17, section 54302:

- 1) Habilitation Services;
- 2) Supported Employment Program; and
- 3) Work Activity Program.

h) As used in this Subchapter, the following words and phrases have the meanings specified in Title 17, section 54351:

- 1) Supported Employment Program-Group Services; and
- 2) Supported Employment Program-Individual Placement.

i) As used in this Subchapter, the following words and phrases have the meanings specified in Title 17, section 56002:

- 1) Program Design; and,
- 2) Service Level.

j) As used in this Subchapter, the following words and phrases have the meanings specified in Title 17, section 58601:

- 1) Individual Program Plan (IPP).

Title 17 California Code of Regulations

Division 2. Health and Welfare Agency—Department of Developmental Services

Chapter 3. Community Services

Subchapter 20. Regional Center Purchase of Services Standards

Article 2. General Standards for Purchase of services Costs

Section 58710. General Standards

- a) The following standards apply to all consumer services and supports purchased by regional centers, including those services and supports not specifically addressed in this Subchapter.
 - 1) The standards set forth in this subchapter are not applicable to the services and supports purchased through self-determination.
 - 2) A regional center may use purchase of service funds only for those services and supports that are:
 - A) Directed toward the alleviation of an individual's developmental disability; or,
 - B) Directed toward the social, personal, physical or economic habilitation or rehabilitation of an individual with a developmental disability; or,
 - C) Directed toward the achievement and maintenance of an individual's independent, productive, normal life.
 - 3) Pursuant to Welfare and Institutions Code sections 4644 and 4648, regional center funds shall not be used to supplant the budget of any agency which has a legal responsibility to serve all members of the general public and is receiving public funds for providing those services, except as provided in subd. (d) of this section.
 - 4) Pursuant to Welfare and Institutions Code section 4659, regional centers shall identify and pursue all possible alternative sources of funding for services prior to using regional center funds; however, a regional center may fund or purchase necessary services and supports in order to protect the health and safety of a consumer during pendency of an appeal that creates a delay for services. That regional center shall then seek reimbursement from the legally responsible agency upon a favorable determination of the appeal.
 - 5) For children under the age of three, regional centers may use private insurance as a generic service only if there is no cost to the family as a result of its use. Cost includes deductibles, co-payments, or a reduction in the lifetime benefit cap.

Parents may voluntarily access their private insurance after providing informed consent. Regional centers may pay the cost of accessing private insurance (e.g., deductible or co-payment amounts). The pursuit of other sources of funding shall not delay early intervention services specified in the consumer's IFSP.

- 6) The cost of providing services by different vendors, if available, shall be reviewed and the least costly vendor who is able to meet the consumer's needs shall be selected. This review shall also account for the availability of federal financial participation.
- 7) Natural supports shall be utilized, whenever possible, prior to expending regional center purchase of service funds.
- 8) Prior to purchasing services and supports for a minor child, the family's responsibility for providing similar services to a minor child without disabilities shall be taken into account when identifying the minor child's needs.
- 9) Services shall be purchased from an entity or individual vendored by the regional center, except when purchasing services and supports pursuant to section 54356.
- 10) Regional centers shall only purchase services and supports outside California pursuant to Welfare and Institutions Code section 4519.
- 11) Regional centers may use purchase of service funds to purchase only those services and supports, as applicable, that:
 - A) Comply with the current standard of professional practice for the service or support being purchased;
 - B) Meet applicable standards of manufacture, design, and installation;
 - C) Meet Underwriter's Laboratory certification, if appropriate.
- 12) Regional centers shall establish an internal process to ensure all of the following:
 - A) Adherence to all laws and regulations when purchasing services and supports;
 - B) Generic and other services are pursued, pursuant to Welfare & Institutions Code §4569, prior to authorizing the expenditure of regional center funds;
 - C) Uniform application of, and conformity with, the requirements of this Subchapter; and
 - D) Where applicable, a review by a clinician.

- 13) At least annually, regional centers shall provide consumers, or the parents of minors or the conservators of adult consumers, a statement of regional center purchased services and supports to verify that purchased services and supports were delivered. The statement shall include the type, unit, month and cost of services and supports.
- 14) The regional center director or his/her designee may authorize services and supports that do not meet the standards in this Subchapter, if necessary, only to protect the physical health or safety of a consumer, or to prevent the consumer's movement to a more restrictive living environment, unless the requested service or support is prohibited by section 58711 of this Subchapter. Regional centers shall maintain for three years and make available, for Department review, a copy of each service request and authorization and the written justification for the approval or denial.

Section 58711. Prohibitions

Regional centers shall not expend purchase of service funds for:

- a) Experimental treatments, therapeutic services, or devices that have not been clinically determined or scientifically proven to be effective or safe or for which risks and complications are unknown. This includes experimental medical or nutritional therapy when the use of the product for the purpose proposed is not general physician practice.
- b) Items that have been identified as hazardous by the American Academy of Pediatrics or the Consumer Product Safety Commission.
- c) Alcoholic beverages.
- d) Swimming pools.
- e) Construction, renovation, alteration, improvement, or repair of real property that is not of direct medical or remedial benefit to the consumer.
- f) Real property, except as permitted under section 58727 under this Subchapter.
- g) Purchase or lease of motor vehicles or general vehicle expenses including, but not limited to, repair, maintenance, and insurance.
- h) Travel and lodging expenses associated with recreation for consumers or family members.
- i) Membership in any country club or social or dining club/organization.
- j) Fees to attend any meeting or conference or any travel expenses to any such meeting or conference.
- k) Payment of federal or state income tax or penalties or fees associated with payment of federal or state income taxes.
- l) Fund raising.
- m) Lobbying, contributing to, or otherwise supporting any political party, candidate, or ballot issue.
- n) Gifts for consumers or employees.
- o) Payment of legal fees or associated costs or expenses for the prosecution of claims against the regional center or the Department of Developmental Services.

- p) Executive/management services, legal services for the benefit of the regional center, service coordination, and administrative service and support functions that are funded through the regional center operations budget, pursuant to section 54326, subd. (d)(2) of this division.

Title 17 California Code of Regulations

Division 2. Health and Welfare Agency—Department of Developmental Services

Chapter 3. Community Services

Subchapter 20. Regional Center Purchase of Services Standards

Article 3. Additional Requirements for Specific Services

Section 58720 Residential Services

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of residential services for consumers. Residential services are the provision of personal care, protection, supervision, assistance, and guidance in accordance with the needs of persons with developmental disabilities in a long term care health facility as defined in Health and Safety Code section 1418, a community care facility that provides 24-hour care as defined in Health and Safety Code section 1502, or a family home as defined in section 56076.

- a) Residential services shall be provided in the least restrictive environment that meets the developmental, physical and emotional needs of the consumer, and shall meet the following criteria:
 - 1) The facility's program design and service level are appropriate for meeting the needs of the individual.
 - 2) If the consumer is a minor residing in a licensed residential home, the family is required to participate in the Department of Developmental Services' Parental Fee Program and shall complete the family financial statement.
- b) Prior to purchasing residential services for a minor, the regional center shall comply with the requirements of Welfare and Institutions Code section 4685, when remaining in the family home will be in the best interest of the child.
- c) Regional centers shall not pay for residential services for minors or adults who reside in a facility or certified home where the natural parent, adoptive parent, conservator, or guardian is the licensee or operator.
- d) A regional center shall not approve a higher service level, as authorized in section 56005, subd. (c) of this division, for an existing facility unless required to protect the consumer's physical health or safety. The regional center shall maintain documentation for the approval of the higher service level, subject to audit, for a period of at least three years.

Section 58721 Adult Day Program Services

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of adult day program services for consumers. Adult day program services provide assistance and training for the development, and/or maintenance of individual self-help, communication, physical mobility, or behavior skills that an adult needs to successfully live and work in the community, and shall include adult day programs similar to but not specified in section 54302. Adult day program services include community integration services as well as center-based training, or a combination thereof.

- a) Regional centers may purchase an adult day program service only for consumers are no longer eligible for publicly-funded education.
- b) Regional centers may only fund an adult day program from one to 30 hours per week, per consumer.
- c) When selecting among vendors, all of which may meet the consumer's identified needs, the regional center shall consider the combined cost of transportation and adult day program, and select the least costly option.

Section 58722 Habilitation Services

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of habilitation services for consumers. Habilitation services are Work Activity Program and Supported Employment Program services purchased or provided for adult consumers to prepare and maintain them at their highest level of vocational functioning, or to prepare them for referral to Vocational Rehabilitation services.

- a) Regional centers shall only purchase work activity program, supported employment—individual placement services, and supported employment—group services only for consumers who are no longer eligible for publicly-funded education.

Section 58723 Transportation

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of transportation services. Transportation services mean the conveyance of a consumer including boarding and exiting the vehicle.

- a) Transportation services shall be safe and appropriate in meeting the needs of consumers.
- b) The regional center may only fund transportation for medical or other essential appointments, where these appointments are related to the developmental disability of the consumer, and the failure to keep the appointment would be detrimental to the individual.
- c) Funding for transportation to social and/or recreational activities is the responsibility of the consumer, family and/or licensee, as applicable.
- d) Transportation by taxi shall only be purchased when it is the least costly method of transportation.
- e) Mobility training shall be made available to those consumers who may be able to successfully learn to use public transportation. Consumers who have successfully completed mobility training will be considered for the provision of vendored transportation only when changes in their situations warrant such support.
- f) When a regional center purchases transportation services for infants and toddlers under age three, a parent or primary care giver shall accompany that infant or toddler.
- g) Regional centers shall not fund transportation services for consumers who are engaged in full-time, competitive employment (defined as working forty hours a week earning at least minimum wage).
- h) Regional centers shall only fund transportation services for consumers receiving supported employment—individual placement services from the consumer's home to the first work site.
- i) Regional centers shall only fund transportation services for consumers receiving supported employment—group services from the consumer's home to the central meeting site.

Section 58724 Respite

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of respite, as defined in Title 17 section 54302(a)(34) and Title 17 section 56901(b)(26).

- a) Respite may only be purchased when the care needs of the consumer exceed that of an individual of the same age without developmental disabilities.
- b) Regional centers may only purchase from one to 21 days per fiscal year of out-of-home respite, or from one to 72 hours per quarter of in-home respite.
 - 1) Unused out-of-home respite days may not carry over into subsequent fiscal years, and partial days will count as one whole day.
 - 2) Unused in-home respite hours may not carry over into subsequent quarters.
- c) Regional centers may purchase a combination of both in-home and out-of-home respite services. When determining the amount of service, one day of out-of-home respite shall be equivalent to 13.7 hours of in-home respite, and one day of camp shall be considered one day of out-of-home respite. In no event shall the combination of in-home and out-of-home respite exceed the equivalent of 288 hours per fiscal year.

Section 58725 Day Care Services

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of day care services.

- a) Regional centers may fund day care services for only when the parent(s) are engaged in full-time work, vocational training, or full-time education.
- b) Regional centers may fund day care services only for those consumers who are under the age of 18.
- c) Regional centers may pay only the cost of day care services that exceed the cost of providing day care to a child without disabilities.
 - 1) Regional centers may pay the entire cost of day care services only when a family can demonstrate a financial need and the services will enable the child to remain in the family home.
 - 2) If the day care provider does not have a fee schedule for services provided to the general public, the regional center shall refer to the Regional Market Rate Ceilings for California Child Care Providers as a guide for negotiating a mutually agreeable rate with the vendor. The Regional Market Rate Ceilings for California Child Care Providers is available from the California Department of Social Services and is updated annually.
 - 3) Regional centers may not fund day care during hours when the child is normally attending school or other similar programs. Day care shall not be provided in place of a school program and is not a substitute for school.

Section 58726 Early Intervention Services

In addition to the general standards listed in Article 2 of this Subchapter and other standards in this article, the following standards govern regional centers' purchase of early intervention services for consumers. Early intervention services are those services designed to meet the developmental needs of each eligible infant or toddler from birth to 36 months of age and the needs of the family related to enhancing the child's development. Early intervention services include a coordinated program of assessment and developmental services.

- a) An infant or toddler shall be eligible for early intervention services if he or she needs early intervention services, is between birth up to thirty-six months of age, and meets one of the criteria specified in Section 52022.
- b) Early intervention services shall be provided at no cost to the family.
- c) Use of private insurance for early intervention services is voluntary and requires the parent's informed consent where the parent(s) would incur a financial cost, e.g., a decrease in lifetime coverage, an increase in premiums, policy cancellation, or an out of pocket expense such as a deductible or co-payment. Regional centers may cover deductible or co-payment costs in order to access private insurance benefits.
- d) To the maximum extent appropriate to the needs of the child, early intervention services shall be provided in natural environments, including the home and community settings in which children without disabilities participate unless the developmental outcomes for the child cannot be met in that setting.
- e) Early intervention services may not be delayed while a regional center seeks alternative resources, or pending a formal appeal of another agency's funding denial. Early intervention services specified on the IFSP shall begin as soon as possible.

Section 58727 Assistive Technology and Environmental Adaptations

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of assistive technology and environmental adaptations for consumers. Assistive technology and environmental adaptations are specialized supports directed toward the social, personal, or physical habilitation of an individual with a developmental disability, resulting in the achievement and maintenance of a more independent, productive life. Assistive technology and environmental adaptations shall include, but are not limited to: computers, specially adaptive devices such as eating utensils, reaching devices, electric door openers, ramps, electronic speech enhancers, housing modifications, and feeding devices and/or environmental adaptations when a consumer is unable to consume enough calories by mouth for age-appropriate growth, development or nutritional intake.

- a) An assessment or evaluation shall be conducted by a qualified professional prior to the purchase of assistive technology and environmental adaptations.
 - 1) Evaluations shall include the justification for the requested assistive technology and/or environmental adaptations, including a description of the benefit to the consumer.
- b) A clinician must review all authorizations for assistive technology and environmental adaptations prior to the regional center funding the service. This review shall ensure that the proposed purchase is clinically appropriate with respect to the type, amount, duration and scope needed to meet the consumer's individual program plan objective.
- c) Regional centers may fund the repair of broken assistive technology and/or environmental adaptations only when the warranty instructions were properly followed by the responsible party.
 - 1) Regional centers may purchase extended warranties only when appropriate.
 - 2) Under conditions of normal wear, the regional center may only fund the repairs of assistive technology and/or environmental adaptations no more than once per year.
- d) The cost of renting assistive technology and environmental adaptation devices should not exceed the replacement cost of that device.
- e) Any structural modifications that might be made are to be performed by a licensed contractor and shall meet all applicable building, zoning, safety codes and regulations.

- 1) If the structural modification is a permanent modification to a consumer's residence, the consumer and/or the consumer's family must own the residence.
 - 2) If the structural modification is a temporary adaptation to a residence that is not owned by the consumer and/or the consumer's family, extraordinary circumstances must exist to justify the expenditure of the funds..
- f) Regional centers may purchase vehicle adaptations. Vehicle adaptations are devices, controls, or services which enable consumers to increase their independence or physical safety.
- 1) Regional centers may pay for the repair, maintenance, installation, and training in the care of the vehicle adaptations. Repairs to and maintenance of vehicle adaptations shall be performed by the equipment manufacturer's authorized dealer, where possible.
 - 2) Vehicle adaptations shall be performed by the manufacturer's authorized dealer.
 - 3) The following types of adaptations to the vehicle are allowable:
 - A) Door handle replacements;
 - B) Door widening;
 - C) Lifting devices;
 - D) Wheelchair securing devices;
 - E) Adapted seat devices;
 - F) Adapted steering, acceleration, signaling, and braking devices;
 - G) Handrails and grab bars; and
 - H) Flooring modifications.
- g) Vehicle adaptations or modifications to vehicles shall be the least costly alternative by which to provide the transportation service.
- h) The vehicle to be adapted or modified must be owned by the consumer or the consumer's parent.
- i) Parents are responsible to purchase car and booster seats for their child as required by California law.

- j) A regional center may purchase communication devices; however, such devices shall be portable.
 - 1) Environmental supports shall be in place to ensure safe and appropriate usage.
 - 2) In some instances the assistive technology and environmental adaptations required to facilitate improved communication may include computerized assistive technology and environmental adaptations.

Section 58728 Behavioral Services

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of behavioral services for consumers. Behavioral services mean those services intended to assist consumers in learning important social and adaptive skills and/or enable parents or primary care givers in the effective use of positive behavior supports.

- a) A regional center may purchase behavioral services following an assessment by a qualified professional that includes a treatment plan identifying goals, objectives, measurable outcomes, frequency of periodic assessment, and level of service and when the following criteria are met:
 - 1) The consumer engages in behaviors that pose a serious threat, or may pose a threat if behavioral services are not provided, to his or her living arrangement or program; or
 - 2) The consumer displays behaviors that pose a threat, or may pose a threat if behavioral services are not provided, to his/her health or safety or the health or safety of others.
- b) Behavioral services shall not exceed the type, scope, amount, and duration identified by a qualified professional necessary to achieve the consumer's individual program plan objectives.
 - 1) Each behavioral service, following the initial assessment of the identified behavior(s), should commence and end following consensual agreement among the planning team.
 - 2) Consideration is given to reducing or terminating a behavioral service when the objectives identified in the treatment plan are accomplished or when it is determined that the behavioral objectives cannot reasonably be accomplished by the service.
 - 3) Objective measures of the outcome behaviors identified in the initial treatment plan must be available before a determination for continuing, reducing or terminating a behavioral service is made.
 - 4) All behavioral services shall be assessed for effectiveness at the frequency described in the treatment plan, but no less than semi-annually.
- c) An appropriate clinician must review all authorizations for behavioral services prior to the regional center funding the service. This review shall ensure that the proposed purchase is clinically appropriate with respect to the type, amount, duration and scope needed to meet the consumer's individual program plan objective.

- d) Regional centers may only purchase treatment for autistic spectrum disorders that is:
 - 1) Based on current research and effective practices; and,
 - 2) Based on comprehensive assessment results; and,
 - 3) Outcome based; and,
 - 4) Provided by appropriately trained personnel, which can include, but is not limited to, parents; and,
 - 5) Reflective of the individual's areas of need which drives the service plan; and
 - 6) Supported by the parent or caregiver, where the parent or caregiver participates in the treatment program, to the extent possible.
- e) A parent or caregiver shall not be reimbursed for any treatment services they may provide.

Section 58729 Social/Recreation Activities

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of social recreation activities. Social recreation activities provide the consumer with the opportunity to develop social interaction, and develop age appropriate social skills in both integrated and specialized settings. This section does not apply to social recreational programs funded under section 58721.

- a) Social recreation activities may be purchased by a regional center for only those consumers who exhibit social skill challenges which limit age-appropriate socialization opportunities as follows:
 - 1) The service shall promote integration into the community, social growth and self-advocacy as related to recreation and leisure pursuits; and,
 - 2) The goal of the program shall be to enhance the individual's social and behavioral functioning so that the individual can participate in more integrated social opportunities.
- b) The amount of social recreation activities may only range from one to ten hours per week.
- c) For minor children, the regional center may provide extra support for children to participate in inclusive activities, but may not fund the activity itself, pursuant to § 58710(i) of this subchapter.
- d) For residents of community care and health care residential homes, licensees are responsible for providing social, leisure and recreation activities as part of residential programming as defined in Title 22.

Section 58730 Supported Living Services

In addition to the general standards listed in Article 2 of this Subchapter, supported living services shall be selected and purchased in accordance with Subchapter 19 of this Chapter and:

- a) Regional center may not pay any housing costs for property in which the supported living services vendor, member of the supported living services agency board, employee, spouse, family member, or domestic partner of the supported living services vendor has a financial interest.
- b) Prior to funding supported living services, the regional center shall review the needed services and supports and determine that supported living services is the least costly method to meet the service and support needs.
- c) A regional center shall purchase supported living services only if the annual cost of the consumer's supported living arrangement is equal to, or less than, the average annual cost of supporting a consumer in a developmental center, as determined by the Department.
- d) The regional center may not contribute towards the cost of rent, lease, or other rented or leased home acquisition or maintenance-related expenses of any consumer except when the executive director of the regional center has documented in writing a determination that the consumer would have to live in a more restrictive environment without the housing-related supplement. In making this determination the executive director shall consider the potential cost-savings in housing costs achieved by the sharing of costs through housemates.
- e) The regional center may not purchase supported living services from vendors who do not assist the consumer to maximize use of all available generic resources; including, but not limited to, In-Home Supportive Services, Housing Choice Voucher, and subsidized transportation programs.
- f) Where supported living services is discussed as the preferred living option for the consumer, the regional center shall take into consideration the nature and severity of the individual's disability, pursuant to Welfare and Institutions Code section 4689, subd. (a)(8), to ensure that:
 - 1) The consumer would live an integrated and inclusive life in the community, pursuant to Welfare and Institutions Code section 4689, subd (a);
 - 2) The services and supports, such as staffing, required by the supported living arrangement would not result in a more restrictive living arrangement than a licensed residential arrangement, including 24 hour facilities such as developmental centers; and,

- 3) The supported living arrangement would be typical of those in which persons without disabilities reside, pursuant to Welfare and Institutions Code section 4689, subd. (a)(1).
- g) Prior to approving the purchase of service for supported living services, the regional center shall conduct, or arrange for, an assessment of the type, amount, and duration of the services and supported needed by the individual. This assessment must be independent of any assessment conducted by the supported living agency selected to provide the supported living services.

Section 58731 Specialized Medical and Dental Services

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of specialized medical and dental services. Specialized medical and dental services are services provided on an individual basis to improve and maintain a consumer's health or dental status. The purchase of medications, medical supplies (including items necessary for life support, ancillary supplies and equipment necessary to the proper functioning of such items), durable medical equipment (including the repair, maintenance, installation and training in the care and use), nursing, prevention, and psychiatric services (when Medi-Cal nor private insurance is available) is included within this section.

- a) Medical supplies may be purchased only when it is deemed medically necessary for the consumer, or necessary to allow the consumer greater independence. Medical supplies shall be prescribed by an appropriately qualified professional.
- b) Prescriptions shall be supported by medical evaluation and lab reports that indicate the diagnoses and symptoms for which the drugs are being prescribed, substantiate the need for medication intervention, and provide monitoring of therapeutic medication levels. Generic medications shall be utilized unless medical documentation stating the reasons why generic drugs are not being prescribed is provided for prescriptions for brand name medications.
- c) The regional center may only purchase specialized clinical and diagnostic assessment services as well as preventive services pursuant to Welfare and Institutions Code section 4644.
- d) A regional center may only purchase diapers pursuant to Welfare and Institutions Code section 4685, subd. (c)(7).
- e) A clinician must review all authorizations for specialized medical and dental services prior to the regional center funding the service. This review shall ensure that the proposed purchase is clinically appropriate with respect to the type, amount, duration and scope needed to meet the consumer's individual program plan objective.

Section 58732 Therapies

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of therapy services for consumers. For purposes of this article, therapy services are defined as those services which are provided to the consumer to prevent deterioration of a specific dysfunction or to improve the functional level of the consumer. Therapy includes physical therapy, occupational therapy, respiratory therapy, speech therapy, and therapy services performed by a psychologist. Therapy services include evaluations related to assessing the consumer's current level of functioning and the need for services.

- a) An assessment by a qualified professional shall be completed and include a treatment plan that identifies goals, objectives with timelines, measurable outcomes and level of service.
- b) Therapy services shall not exceed the time, scope and duration necessary to achieve the consumer's individual program plan objectives.
- c) A clinician must review all authorizations for therapy services prior to the regional center funding the service. This review shall ensure that the proposed purchase is clinically appropriate with respect to the type, amount, duration and scope needed to meet the consumer's individual program plan objective.

Section 58733 Supplemental Services

In addition to the general standards listed in Article 2 of this Subchapter, the following standards govern regional centers' purchase of supplemental services for consumers. Supplemental services are the additional staffing to support an individual consumer for a specified period of time. Supplemental services are to enable consumer access or transition to a specific community setting, such as a work program, day program, residential care facility, or other living arrangement, or to maintain the consumer in the least restrictive, most appropriate setting.

- a) A regional center may purchase supplemental services only when the additional staff are in excess of the amount required by regulation, and there is an assessment by a qualified professional that includes a plan identifying goals, objectives, measurable outcomes, and a strategy for reducing supplemental services over time.
- b) The supplemental services shall not exceed the time, scope and duration identified by the planning team necessary to achieve the consumer's individual program plan objectives.
- c) Regional centers shall review programs not less than bi-annually to ensure that the supplemental staff is being provided and utilized appropriately.
- d) A clinician must review all authorizations for supplemental services prior to the regional center funding the service. This review shall ensure that the proposed purchase is clinically appropriate with respect to the type, amount, duration and scope needed to meet the consumer's individual program plan objective.